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3751
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PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/034,720
Applicant: Earl J. Braxton
Filed: December 28, 2001
Title: Portable Toilet Shelter Having Improved Stackability

Art Unit: 3751
Examiner: Charles E. Phillips

Docket No.: NMC104A US

Reply to Office Action and Amendment under 37 CFR §1.111

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

To highlight the distinction of the above referenced invention over the prior art as interpreted by the Examiner in the Office Action of April 27, 2004, Paper No. 20040420, please amend the above-identified application as follows:

Amendments to the Claims begin on page: 2

Amendments to the Remarks begin on page: 12

Adjustment date: 08/22/2005 SDIRETA2
03/07/2005 RLLDYD 00000002 220212 10034720
01 FC:2201 100.00 CR

08/23/2005 SDIRETA1 00000009 10034720
01 FC:2201 44.00 DA

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Patent Division

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 JUL 12 PM 1:21

Serial No.: 10/034,720
Applicant: Earl J. Braxton
Filing Date: December 28, 2001
Title: Portable Toilet Shelter Having Improved Stackability

Art Unit: 3751
Examiner: Charles E. Phillips

Attorney Docket: NMC104A US

Request for Refund under 37 CFR §1.26

Mail Stop 16
Director of USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A refund of an overcharge to our Deposit Account on March 7, 2005 in the amount of \$56.00 is respectfully requested in accordance with 37 CFR §1.26. On October 27, 2004 we filed a reply to an Office Action and Amendment under 37 C.F.R. §1.111 wherein we added independent Claim 21. At that time, we did not pay the \$44.00 fee for the additional independent Claim 21, but on our fee transmittal form we did indicate that any additional fees could be charged to our Deposit Account 22-0212. On March 7, 2005 a \$100.00 fee was charged to our Deposit Account #22-0212 under fee code 2201, reference text 10034720 as reflected on our March 2005 Deposit Account Statement, a copy is enclosed herewith. I feel that our Deposit Account has been overcharged for the extra independent claim due to the fact that the claim was

Serial No. 10/034,720
Request for Refund under 37 C.F.R. §1.26

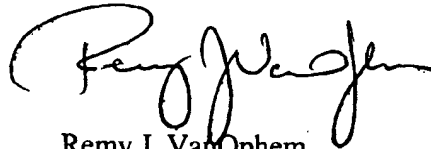
Page 2

added on October 27, 2004 prior to the fee increase which became effective on December 8, 2004. On December 8, 2004 the fee schedule increased to \$100.00 for an additional independent claim for a small entity.

The Commissioner is respectfully requested to credit the undersigned's Deposit Account #22-0212 \$56.00 for the difference in the amount of the increase in the fee for an additional independent claim at the small entity rate.

Respectfully Submitted,

VANOPHEM & VANOPEHM, P.C.



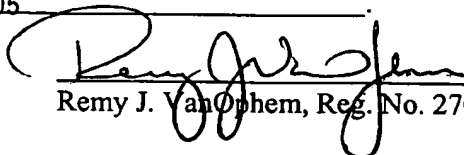
Remy J. VanOphem
Attorney for Applicant
Registration No. 27053

51543 Van Dyke Avenue
Shelby Township, Michigan 48316-4447
(586) 739-7445
Attorney Docket No.: NMC104A US
RVO/egh

Certificate under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop 16, Director of USPTO, 1450 Alexandria, VA 22313-1450, on June 7, 2005.

Date: June 7, 2005



Remy J. VanOphem, Reg. No. 27053



**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: March 2005
 Deposit Account Number: 220212
 Name: REMY J. VANOPHEM, P.C.
 Attention:
 Address: 5154 VAN DYKE AVENUE
 City: SHELBY TOWNSHIP
 State: MI
 Zip: 48316-4447
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/07	2	10034720	NMC104A US	2201	\$100.00	\$4,010.04
03/29	132	E-REPLENISHMENT		9203	-\$225.00	\$4,235.04
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$4,110.04	\$100.00	\$225.00	\$4,235.04	

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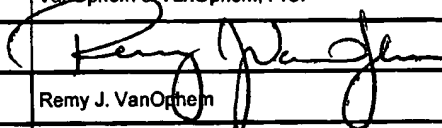
PTO/SB/23 (09-04)

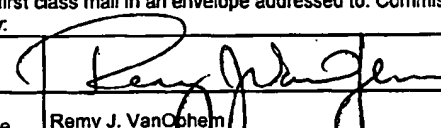
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/034,720	
	Filing Date	December 28, 2001	
	First Named Inventor	Earl J. Braxton	
	Art Unit	3751	
	Examiner Name	Charles E. Phillips	
Total Number of Pages in This Submission	3	Attorney Docket Number	NMC104A US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard Deposit Account Statement
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	VanOphem & VanOphem, P.C.		
Signature			
Printed name	Remy J. VanOphem		
Date	June 7, 2005	Reg. No.	27053

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Remy J. VanOphem
Date	June 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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